UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
ARCHER, CHRISTOPHER B

ART UNIT	PAPER NUMBER
2432	

NOTIFICATION DATE	DELIVERY MODE
04/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	10/541,693	LE BARS ET AL.
Office Action Summary	Examiner	Art Unit	
	CHRISTOPHER B. ARCHER	2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 December 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>11-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>11-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 December 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20090323

DETAILED ACTION

Response to Amendment

1.   Acknowledgement to applicant's amendment of the specification has been noted.   The amendment has been entered, reviewed and found to obviate the objection based on incorrect reference numerals. Objection to the specification is hereby withdrawn.

Response to Arguments

2.   Applicant's arguments with respect to the rejection under 35 USC 102 of claim 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is a method that contains the following steps:

"transmitting by a central management module to the master terminal a first secret code and transmitting by the central management module to each slave terminal a second secret code in a biunique relationship with the first secret code;

storing the first secret code S_m in the master terminal and the second secret code S_s in each slave terminal" and

"inviting said user to enter the first secret code S_m in said slave terminal if said first secret code S_m is not already stored in the slave terminal or if said second secret code S_s is not in a biunique relationship with the secret code S_m previously saved in the slave terminal."

In the above method steps, the codes S_m and S_s, which are in a biunique relationship, are transmitted to and stored in the terminals. From these steps, it is unclear how the codes S_m, stored in the master terminal, and S_s, stored in the slave terminal, would be in a non-biunique relationship. The user will never be invited to enter said first secret code S_m in said slave terminal. Claim 11 is indefinite as to what will happen if the codes are the same or in a biunique relationship.

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6.   Claims 11 and 21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Moroney et al. (US 2003/0097563), hereafter referred to as Moroney.

Regarding claim 11:

The step of delivering cooperative keys to both the master and slave terminal from a common source is shown in **(Moroney [0019]-[0023], [0031], [0036], and [0037])**, which teaches that a central "authorized agent" distributes the identical keys to be used when configuring the boxes.

Regarding claim 21:

The step of not authorizing a terminal to be used if the master and slave codes are not compatible is shown in **(Moroney [0031], [0036], and [0037])**, which teaches a system in which both the master and slave boxes must contain identical authentication keys in order to work correctly.

Claim Rejections - 35 USC § 103

7.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8.   Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney, in view of Okimoto et al. (US 2002/0051359), hereafter referred to as Okimoto.

Regarding claim 12:

Moroney does not disclose a system in which the codes are distributed inside of EMMs that are sent to each individual terminal.

The step of sending an EMM to each individual terminal is shown in **(Okimoto [0010], [0011])**.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Moroney to deliver an EMM to each terminal, as taught by Okimoto, so that each terminal contains individual rights and privileges and cannot be used to intercept the signals being sent to other terminals.

Regarding claim 13:

Moroney does not disclose a system which generates new first and second codes at variable frequencies.

The step of generating new codes at variable frequencies is shown in (**Okimoto [0013]**), which teaches a system in which terminals will periodically receive renewed keys that are necessary for the decryption of broadcast data.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Moroney to periodically renew decryption keys, as taught by Okimoto, in order to stop compromised keys from being valid for extended periods of time.

Regarding claim 14:

The steps of transmitting and storing data are shown in (**Moroney [0019]-[0023], [0031], [0036], and [0037]**), which teaches a system in which both the master and slave boxes must be delivered identical authentication keys. The slave will not decode the material if the authentication keys are not correct.

Moroney does not disclose a system in which the codes are distributed inside of EMMs that are sent to each individual terminal.

The step of sending an EMM to each individual terminal is shown in (**Okimoto [0010], [0011]**).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Moroney to deliver an EMM to each terminal, as taught by Okimoto,

so that each terminal contains individual rights and privileges and cannot be used to intercept the signals being sent to other terminals.

9.   Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moroney, in view of Le Berre et al. (US 5,748,732), hereafter referred to as Le Berre.

        Regarding claim 15:

        Moroney does not disclose a system where both a master and slave terminals contain security processors.

        A system in which both the master and slave terminals contain security processors is shown in **(Le Berre, column 1, line 62 to column 2, line 22)**.

        It would have been obvious to one of ordinary skill in the art at the time of invention to modify Moroney to include security processors in both the master and slave ends of the communications, as taught by Le Berre, in order to prevent malicious messages from being created, distributed, or accepted by the master or slave terminals.

        Regarding claim 16:

        Moroney does not disclose a system in which security processors are linked to smart cards.

        A system in which security processors are linked to smart cards is shown in **(Le Berre column 2, lines 5-22)**, which teaches that the security processors of both the master and slave card use smart cards.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Moroney to link smart cards with the terminals, as taught by Le Berre, in order to provide strong authentication in a flexible, secure, standard way with minimal human intervention.

Regarding claim 17:

Moroney does not disclose a system in which smart cards are paired with individual terminals.

A system that uses smart cards paired with individual terminals is disclosed in (**Le Berre column 4, lines 24-31**), which teaches a system in which each smart card is uniquely paired with its respective terminal.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Moroney to pair smart cards with terminals, as taught by Le Berre, in order to prevent smart cards being moved from a valid receiver to a stolen, illicit, or non-privileged receiver.

Regarding claim 18:

A system that transfers cooperative master and slave codes to respective master and slave terminals is shown in (**Moroney [0036]**), which teaches a system in which identical authentication keys must be delivered to both the slave and the master terminals in order for them to communicate correctly.

A system that will only decode messages if the slave contains the same key as the master is shown in **(Moroney [0037])**, which teaches a system in which the slave will only continue operation if the slave has the same authentication key as the master.

Moroney does not disclose a central subscriber management module, an EMM generator, and a scrambling platform.

A system that contains a central subscriber management module, an EMM generator, and a scrambling platform **(Le Berre column 1, line 62 to column 2, line 4)**, which teaches a system with a central management device that generates and encrypts entitlement management messages.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Moroney to generate and encrypt EMMs at a central source, as taught by Le Berre, in order to distribute corresponding EMMs to the correct terminals and prevent other terminals from intercepting or decrypting content not intended for them.

Regarding claim 19:

A system in which a single master terminal is paired with a single slave terminal is shown in **(Moroney [0018])**, which shows a master decoder attached to at least one slave decoder.

Regarding claim 20:

"A system according to claim 18, comprising a plurality of master terminals and a plurality of slave terminals."

Both Moroney and Le Berre disclose a single master and multiple slave terminals for one user. If a plurality of users exists, there would be multiple master and multiple slave terminals.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsuria (US 6,405,369) – (Column 7, lines 15-27) teaches a system that sends the user a visual indication when the second card is deactivated. To reactivate the second card, the user must then insert it into the first terminal.

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER B. ARCHER whose telephone number is (571) 270-7308. The examiner can normally be reached on M-F 7:30-5.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER B ARCHER/
Examiner, Art Unit 2432

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